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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,146	04/20/2005	Takumi Ikeda	MAT-8688US	6489
23122	7590	11/02/2007	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			CHOW, CHARLES CHIANG	
		ART UNIT	PAPER NUMBER	
		2618		
		MAIL DATE	DELIVERY MODE	
		11/02/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.	10/532,146	Applicant(s) IKEDA, TAKUMI
Examiner Charles Chow	Art Unit 2618	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 02 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a)  They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b)  They raise the issue of new matter (see NOTE below);  
 (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 4, 7-15.

Claim(s) withdrawn from consideration: 1-3, 5 and 6.

**AFFIDAVIT OR OTHER EVIDENCE**

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
 13.  Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant argued that the moving speed is the effect of movement, as the moving speed ("effect of movement"), in line 4 of the last paragraph, page 6 of applicant's amendment 10/2/2007. However the moving speed is not the effect of movement. The effect of movement is the distance in response to the movement effect due to speed, according to applicant's pointing into the specification, page 4, lines 21-23 of applicant specification [ line 3 of last paragraph, page 6 of amendment 10/2/2007], as follows:

the transmission part 1103...changes the information transmittable distance, e.g. in three ranks, in response to a speed for transmitting information. It shows the effect of movement is the distance associated with the information transmitting. The moving speed is not the effect of movement.

Regarding amended claim 4 based on the argument for the no teachings for the wherein the transmission part divides the effect of movement into a plurality of ranks and transmits the stored information by an predetermined power according to each of the rank [ pages 6-7], together with the limitations in below from canceled claim 1, for the an information transmitting apparatus comprising an information storage part for storing information which includes an authentication identifier which identifies the information transmitting apparatus;

a sensing part for sensing an effect of movement of the information transmitting apparatus.

Olson teaches the wherein the transmission part divides the effect of movement into a plurality of ranks [ the distance in Fig. 5, is divided into plurality of ranks, having distance 20, 30, 10, referring to Olson's corresponding description the specification for Fig. 5].

an information transmitting apparatus [ the wireless control system 12 in Fig. 2] comprising an information storage part for storing information [ the memory stored with control data message configured to wirelessly control a plurality of home electronic systems, paragraph 0009], which includes an authentication identifier which identifies the information transmitting apparatus [ the transmitted control data from 12 is a fixed code, rolling code or other cryptographically encoded control code in paragraph 0028, as the authentication identifier; further the wireless controlling system 12, Fig. 2, is for security gate control system, home security system, garage door opener, paragraph 0024. It is obvious that the wireless control 12 has the authentication identifier for identifying itself as the information transmitting apparatus, due to the security],

Siegel teaches a sensing part for sensing an effect of movement of the information transmitting apparatus [ the first sensor registered the sensed speed data & sends the speed data to transmitter & the transmitter has algorithm for calculating strength and approximate distance, effect of movement, base on the sensed speed of the emergency vehicle, for emitting signal [ paragraph 0014, 0032, 0036], the transmitter is located in each of the emergency vehicle [paragraph 0024].

transmits the stored information [ stamp & GPS signal] by an predetermined power according to each of the rank [ calculating transmitting signal strength and approximate transmission distance, to emitting signal stamp and GPS signal in paragraph 0014; to warn other vehicle that the emergency vehicle is approaching in paragraph 0018].

Regarding claims 7, 9, 12, applicant argued that there is no teachings for the sensing an effect of movement of an information transmitting apparatus [ pages 7-9],

Siegel teaches the sensing an effect of movement of an information transmitting apparatus [ the first sensor registered the sensed speed data & sends the speed data to transmitter & the transmitter has algorithm for calculating strength and approximate distance, effect of movement, base on the sensed speed of the emergency vehicle, for emitting signal [ paragraph 0014, 0032, 0036].

cc.

  
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